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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/759,159      | 01/20/2004  | Satish Parolkar      | P24473              | 6660             |
| 7055            | 7590        | 11/02/2006           | [REDACTED]          | EXAMINER         |
|                 |             |                      |                     | ELAHEE, MD S     |
|                 |             |                      | [REDACTED]          | ART UNIT         |
|                 |             |                      |                     | PAPER NUMBER     |
|                 |             |                      |                     | 2614             |

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/759,159             | PAROLKAR ET AL.     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Md S. Elahee           | 2614                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### *Withdrawn of Finality of Last Office action*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. This action is responsive to an amendment filed on 06/12/2006. Claims 1-20 are pending.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1,6,11,17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1,6,11,17 and 19, sending an interactive text markup programming language script, and the interactive script including at least a first query and a second query that is presented based on a response to the first query is confusing. It is unclear whether interactive script is being sent one time for both of queries or the script is being sent two times separately for both of the queries.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brown** (US 6,101,478) in view of **Prokop** (US 6,870,848).

As to Claims 1, 11,17, with respect to Figures 1,2,4,5-9,11-17,18-20, **Brown** teaches a method of collecting information, comprising:

sending a programming script, using internet, to a communications device, the script including a prompt “ANSWER QUERIES NOW? PRESS ANY BUTTON TO START” [i.e., a first query] (col.12, lines 59-61) and queries displayed in response to the prompt [i.e., a second query] (col.12, lines 64-66) that is presented based on a response to the first query (Figure 12A; col.3, lines 23-43, col.9, lines 2-7, 66, 67, col.10, lines 1-5, col.11, lines 33-41, col.12, lines 59-67, col.14, lines 37-41); and

receiving the response to the first query and a response to the second query from the communications device, each of the response to the first query and the response to the second query being based upon input from a user of the communications device (Figure 12A; col.12, lines 59-67);

**Brown** does not teach the following limitation:

“interactive text markup programming language script”

However, it is obvious that **Brown** teaches the interactive script because **Brown** teaches script for interacting with users (fig. 12A). What **Brown** fails to teach is that the script is written by a text markup language since text markup language was well known language be used for generating the script. **Prokop** teaches interactive text markup programming language script (col.5, lines 51-57). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add interactive text markup programming language script to **Brown**’s invention in order to establish, manage or terminate a call session.

**Brown** further does not teach, “using a session initiation protocol (SIP) message”. **Brown** teaches sending script using internet (col.3, lines 23-43). **Prokop** teaches sending script using a session initiation protocol (SIP) message (col.4, lines 46-49, col.5, lines 51-57, col.6, lines 59-67). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add SIP messaging to **Brown**’s invention as taught by **Prokop**’s invention in order to control call session over data network.

As to Claims 2, 13, **Brown** teaches the method of collecting information of claim 1, wherein the received responses comprise information of at least one of a location of the communications device, a type of the communications device, a communications format used by the communications device, a communications mode desired by the user of the communications device, a personal identification of the user of the communications device, an account number of

the user of the communications device, a password of the user of the communications device, billing information of the user of the communications device, the intent of the user of the communications device, a preferred language of the user of the communications device, and a question from the user of the communications device (col.11, lines 58-67, col.12, lines 1-5).

As to Claims 3,14, **Brown** teaches the method of collecting information of claim 1, wherein the received responses are a textual representation of one of a DTMF tone, ProkopicexML and HTML speech tags (col.14, lines 42-51).

As to Claims 4,15, **Brown** teaches the method of collecting information of claim 1, further comprising providing the response to a user of a recipient device (Figure 2, label 40).

As to Claims 5,16,18, **Brown** teaches the method of collecting information of claim 1, the response being additionally based upon information provided by the communications device (col.14, lines 5-30).

As to Claim 12, **Brown** does not specifically teach, “establishing a communications connection between the communications device and one of a plurality of agent devices, the one of the plurality of agent devices being determined based on the response”. **Prokop** teaches establishing a communications connection between the communications device and one of a plurality of agent devices, the one of the plurality of agent devices being determined based on the response (fig.3, step 242). Having the cited analogous art at the time the invention was made, it would

have been obvious to one of ordinary skill in the art to add the feature of establishing a communications connection between the communications device and one of a plurality of agent devices, the one of the plurality of agent devices being determined based on the response to Brown's invention as taught by Prokop's invention in order to send a particular response to a particular person.

*Allowable Subject matter*

7. The following is an examiner's statement of reasons for allowance:

Claims 6-10, 19 and 20 will be allowed after overcoming 35 U.S.C. 112, second paragraph.

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

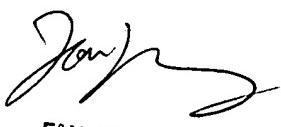
Art Unit: 2614

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ME*

MD SHAFTUL ALAM ELAHEE

October 27, 2006



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